

**IN THE FRANKLIN COUNTY MUNICIPAL COURT
ENVIRONMENTAL DIVISION
FRANKLIN COUNTY, OHIO**

**STATE EX. REL
COLUMBUS CITY ATTORNEY
ZACH KLEIN**
375 South High Street, 17th Floor
Columbus, Ohio 43215

Relator-Plaintiff,

v.

KATHERINE SINCLAIR, DECEDENT
256 West Park Avenue
Columbus, Ohio 43223

and

**HEIRS AND DEVISEES OF
KATHERINE SINCLAIR, DECEDENT**
256 West Park Avenue
Columbus, OH 43223

and

**UNKNOWN TENANTS OF
256 WEST PARK AVENUE**
256 West Park Avenue
Columbus, Ohio 43223

and

**CHERYL BROOKS SULLIVAN
FRANKLIN COUNTY TREASURER**
373 South High Street, 17th Floor
Columbus, Ohio 43215

and

**REAL PROPERTY AT
256 WEST PARK AVENUE**
256 West Park Avenue
Columbus, Ohio 43223

Case No.

Judge Stephanie Mingo

Parcel No. 010-013182

TEMPORARY RESTRAINING ORDER

This matter came before the Court on July 6, 2020, on Relator's request for a temporary restraining order filed in conjunction with a Complaint for Preliminary and Permanent Injunctive Relief. In light of the circumstances, this motion was filed *ex parte*. For purposes of the temporary restraining order, the Court finds that the Relator has established that Respondents-Defendants are owners and/or person in charge, care or control of the property located at 256 West Park Avenue, Columbus, Ohio, Parcel No. 010-013182 ("the Premises"). On information and belief, Relator asserts the following:

1. The Premises is a single family residential home located on the west side of the City of Columbus.
2. The Premises came to the attention of Columbus Police Department ("CPD") in 2019.
3. From July 11, 2019 to June 29, 2020, CPD has responded to the Premises twenty-four (24) times on complaints of overdoses, domestic violence, persons with guns, stabbings, and a stolen vehicle.
4. During this time, CPD responded to the residence on the following complaints:
 - a. Nine (9) domestic violence incidents;
 - b. Three (3) person with a gun incidents;
 - c. Three (3) disturbances;
 - d. Three (3) overdoses; and
 - e. One (1) stabbing;

5. On July 11, 2019, CPD received a call regarding a domestic violence incident at the Premises. The caller reported that she had been clawed up by her sister and was taken to Grant Hospital in stable condition
6. On July 28, 2019, CPD responded to the Premises on report of a domestic violence incident.
7. On August 24, 2019, CPD responded to the Premises on another domestic violence report.
8. On September 8, 2019, CPD responded to the Premises based on another domestic violence incident.
9. On October 1, 2019, CPD responded to the Premises on report of a person with a gun.
10. On October 2, 2019, CPD responded to the Premises on another report of a person with a gun.
11. On October 5, 2019, CPD responded to the Premises on report of a disturbance where a known suspect put sugar in the victim's gas tank.
12. On October 10, 2019, CPD responded to the Premises regarding a domestic violence incident.
13. On October 21, 2019, CPD responded to the Premises on a disturbance wherein the caller stated their niece's son tried busting the caller in the mouth.
14. On November 5, 2019, CPD responded to the Premises on a well-being check. The caller stated a resident was having hallucinations and threatening to burn the house down and had done meth four days ago. The individual was transported to Netcare.

15. On November 7, 2019, CPD responded to the Premises on report of an unresponsive individual. Columbus Fire Department ("CFD") Medic 1 arrived and attempted to resuscitate but were unsuccessful.
16. On November 30, 2019, CPD responded to the Premises on a domestic violence incident.
17. On December 4, 2019, CPD responded to the Premises on report of another domestic violence incident.
18. On January 1, 2020, CPD responded to the Premises on another domestic violence incident.
19. On January 11, 2020, CPD responded to the Premises on a disturbance.
20. On January 19, 2020, CPD responded to the Premises on report of a stabbing. The caller stated they had been stabbed in the stomach. Reports indicate that the stabbing was related to an incident at 1000 West Broad Street. The victim was transported to Grant Hospital in stable condition.
21. On February 7, 2020, CPD responded to the Premises on a report of a person with a gun.
22. On February 20, 2020, CPD responded to the Premises due to an accidental overdose.
23. On March 22, 2020, CPD officer Meyer was patrolling around the Premises and observed an individual leaving 256 West Park Avenue. After being detained, the individual indicated that he had a handgun in his pocket and was found to be in possession of one hundred and two (102) grams of methamphetamine. The individual was later found to have multiple active warrants.
24. On April 10, 2020, CPD responded to the Premises on report of a stolen vehicle.

25. On April 22, 2020, CPD responded to the Premises due to an accidental overdose. The victim was administered two doses of naloxone and transported to the hospital for treatment.
26. On May 7, 2020, CPD and CFD responded to the Premises on a report of a drug overdose. The victim was administered naran and provided other life saving techniques and officials were eventually able to obtain a pulse. The victim was transported to Mt. Carmel West in stable condition.
27. On June 13, 2020, CPD responded to the Premises where a stolen vehicle was recovered.
28. The Premises, and specifically the illegal narcotics activity at the property, constitute an imminent danger for those at and around the Premises.
29. Failing to immediately padlock the property after the execution of the *ex parte* temporary restraining order will allow the dangerous illegal activity to continue, thereby causing immediate and irreparable injury, loss or damage to the applicant and the community.
30. *Ex parte* closure of the property is necessary in order to prevent destruction or removal of contraband or other property.
31. Prior notification of the temporary restraining order could pose a danger to the physical safety and lives of the Columbus police officers involved in its execution.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:

Relator has established by clear and convincing evidence that the felony drug activity and illegal/unsafe activity occurring at the Premises continues to cause irreparable harm to the community and that the property is a nuisance per se as defined in R.C. § 3719.10 and 3767.01. It is the further ORDER of this Court that all occupants of the Premises be forcibly removed

from the Premises forthwith. In executing this order, all barricades throughout the structure may be forcibly removed so as to prevent fortifying portions of the residence. Said occupants may be forcibly detained during the execution of this order. Furthermore, the premises shall be closed, padlocked, boarded or secured as deemed necessary by the Chief of the Columbus Police Department or his or her designee(s) against its use for any purpose until a final decision is rendered on the Complaint for Preliminary and Permanent Injunctive Relief as required by R.C. § 3767.04. This temporary restraining order shall apply to and prohibit usage of or entrance onto any curtilage or porch areas of the premises for any purpose—no vehicles or persons are to be anywhere on the parcel.

It is further **ORDERED** that this temporary restraining order shall apply to the parcel in its entirety. No person may enter and/or occupy 256 West Park Avenue, Columbus, Ohio, including any portion of the parcel. Any violation of this order, including mutilation of this order, is contempt of court, punishable as a first degree misdemeanor.

It is further **ORDERED** that only necessary personal property located on the premises be removed by the occupants prior to closure and under the direction of the Columbus Division of Police. The Columbus Division of Police is authorized to inventory personal property located on the premises; however, only items related to or in connection with the illegal conduct must be inventoried and accounted for. The Columbus Division of Police may, however, also remove and secure at an off-site location highly mobile and valuable property, including but not limited to such personal property as automobiles, cash, jewelry and electronic equipment which may be at risk of theft during the pendency of this ORDER.

This case is continued for further preliminary hearing on the merits of Relator's Complaint for Preliminary and Permanent Injunctive Relief on the 16th day of July, 2020 at

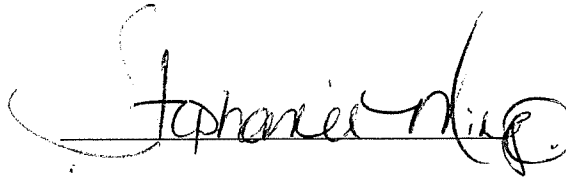
11:00 A.M. in courtroom 15B, located on the 15th floor of 375 S. High Street, Columbus, Ohio 43215. This Order shall remain in effect until that time or as otherwise ordered by this Court.

This order shall be served upon the Respondents-Defendants by the Columbus Division of Police or Relator's Counsel; the order may be served by posting a copy of it in a conspicuous place at or upon one or more of the principal doors or entrances of the property. The closing of said Premises with forcible entry and removal of all occupants shall be effectuated by the Columbus Division of Police with the assistance of Columbus Code Enforcement. Based on the Affidavit submitted with the Complaint and Motion, the Court finds that notice of entry upon the premises could result in destruction, concealment or removal of contraband, illegal narcotics or property and could create a serious risk of physical harm to law enforcement officers or other authorized individuals in the execution of this *ex parte* Order.

IT IS SO ORDERED.

7/6/2020

DATE

A handwritten signature in black ink, appearing to read "Stephanie Mingo", written over a horizontal line.

JUDGE STEPHANIE MINGO